

MEMO ENDORSED

BAILEY & GLASSER, LLP

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Lawyers

Internet www.baileyglasser.com

Phone (217) 528-1177 Fax (217) 528-1198

One North Old State Capitol Plaza Suite 560
Springfield, Illinois 62701

Scott C. Helmholz, Esq.
shelmholz@baileyglasser.com

August 2, 2012

VIA FACSIMILE (212-805-7927)

Honorable Naomi Reice Buchwald, District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 21A
New York, New York 10007-1312

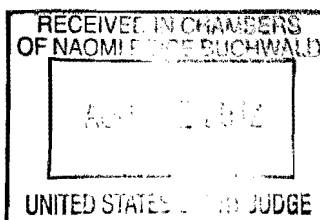
Re: Interocean Coal Sales, LDC v. Evonik Trading, et al.
Case No. 11 CV 0940-NRB

Dear Judge Buchwald:

I write pursuant to your Honor's Individual Practice 2A to seek leave to file the below listed exhibits and unredacted Statement of Undisputed Facts, Memorandum of Law in Support, and Declarations of Randall A. Tisdale and Jeffrey R. Baron under seal.¹

As background, the parties agreed to a Stipulated Protective Order (the "Order") governing the handling and disclosure of confidential and proprietary business information, which the Court entered on October 20, 2011 (Docket. No. 48). The Order requires that the parties must file all materials designated as "Confidential" or "Attorney's Eyes Only" under seal, and that they may not file such information electronically. (*Id.*, ¶¶6, 8). Because Interocean intends to include in its motion papers materials previously designated as "Confidential" or "Attorney's Eyes Only", Interocean informed Defendants of exhibits Defendants previously designated as "Confidential" or "Attorney's Eyes Only", requesting to file these materials publicly. Defendants agreed to

¹ Interocean has publicly filed redacted copies of these materials, along with its Notice of Motion for Summary Judgment, and Declarations of Brian Sewell and John McClellan. Interocean does not seek leave to file any portion of the Notice of Motion for Summary Judgment or Declarations of Brian Sewell and John McClellan under seal because these materials do not contain information designated confidential.



ENDORSEMENT
Application to file under seal certain exhibits is granted with the understanding that the Court may reference some of the sealed exhibits in its opinion if necessary.
So Believed Naomi Reice Buchwald
8/6/12

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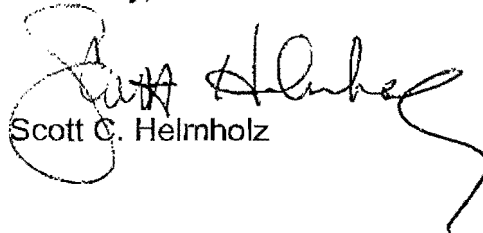
withdraw the designation as to some documents, but have not provided consent for Interocean to publicly file some documents and information in unredacted form.

To comply with the Order, Interocean requests that the Court permit it to file the following documents under seal:

Pl. Exs. 6-9, 23-26, 35-36, 44-45, 53-54, 60-63, 63T, 67, 74-76, 76T, 77, 80, 85, 95, 100-103, 109, 109T, 115, 115T, 117, 117T, 126, 149-151, 157-165, 171 172, 188, 190, 190T, 192, 199, 210, 212, 212T, 213, 213T, 215 (pp. 21,169-170, 260-261, 268-269, 274, 276-277, 283-284, 305, 307), 216 (pp. 371, 376, 384, 390, 392, 396-397, 400, 403-406, 414), 220 and 222 (p. 30)

Interocean has submitted to chambers two courtesy copies of all Interocean's motion papers in unredacted form, as well as all confidential and non-confidential exhibits referenced therein. Interocean has also provided confidential copies of these materials to Defendants.

Sincerely,


Scott C. Helmholz

SCH/bjb
Enclosures

cc: John Dellaportas, Esq. (via email: dellajo@duanemorris.com)
Mark Vasco, Esq. (via email: mark.vasco@bryancave.com; enc. by Fed.Ex.)
Scott Kaiser, Esq. (via email: scott.kaiser@bryancave.com letter only)
Peggy Kane, Esq. (via email: peggy.kane@bryancave.com letter only)
Jeffrey R. Baron, Esq. (via electronic mail jbaron@baileyglasser.com)